

## REMARKS

Claims 1-30 and 33 are pending in the above identified patent application, where claims 1-27 have been withdrawn and claim 33 has been added herein. Accordingly, claims 28-30 and 33 are presently at issue, with claims 28 and 33 being independent claims. In view of the foregoing claim amendments and the following remarks, it is respectfully submitted that claims 28-30 and 33 are in a condition for allowance. Accordingly, reconsideration of the application and allowance thereof is respectfully requested.

### Claim Rejections under 35 U.S.C. § 102

Claims 28-32 stand rejected under 35 U.S.C. § 102(b) as anticipated by Delaney et al. (USPN 5,960,849, hereinafter “Delaney”), where only claim 28 is an independent claim. As detailed in the above listing of the claims, claims 31 and 32 have been canceled.

Independent claim 28 relates to, *inter alia*, a method of selectively moving a door panel to a closed position and an open position relative to a doorway, the method comprising using a flexible elongate member to move the door panel toward the closed position, sensing the presence of the flexible elongate member within a distance from a sensor, and discontinuing the movement of the door panel toward the closed position in response to sensing the presence of the flexible elongate member beyond the distance from the sensor.

The examiner alleges that Delaney discloses a method of moving a door panel (12) comprising a cable (24), a position/proximity sensor (118), a sensor switch (140), and a slack condition detection system (200 and 202). (Office action of October 18,

2006, page 6). However, Delaney does not teach a method that includes sensing the presence of a flexible elongate member within a distance from a sensor, as is now recited by independent claim 28. In particular, the Delaney apparatus does not detect the presence of the cable (24) within a distance from the purported sensor (118), as the Delaney system is not based on the position of the cable relative to a sensor, but rather the sensor (118) detects the presence of the body part (106) within a distance from the alleged sensor (118), not the cable (24). Accordingly, independent claim 28 and claims 29-30, which depend therefrom, are not anticipated by Delaney and are in a condition for allowance.

### **New Claim 33**

Independent claim 33 recites a method of selectively moving a door panel in a horizontal direction between a closed position and an open position relative to a doorway, the method comprising using a flexible elongate member to move the door panel horizontally toward the closed position, sensing tension in the flexible elongate member, and discontinuing the horizontal movement of the door panel toward the closed position in response to sensing the tension in the flexible elongate member.

Claim 33 is similar to original claim 28, the primary difference being that new claim 33 recites moving the door panel horizontally, while still being able to sense tension in the flexible elongate member. Delaney, on the other hand, discloses a “cable slack detector” for use with a vertically traveling, overhead door (see, e.g., Figs. 10 and 11). Accordingly, Delaney’s system relies on the weight of the door to keep tension in the cable. When the weight of the door is removed from the system (e.g., when the door rests on an obstruction), slack develops in the cable (24) and the spring (112) causes the

slidable body parts (102 and 106) to contract together, thereby actuating switch (118). If one of skill in the art were to try to apply Delaney's system to a horizontally-moving door, the system would not function properly because effectively removing the weight of the door from the system would leave little or nothing to resist the contraction force of the spring. Accordingly, new claim 33 is in a condition for allowance.

For at least the foregoing reasons claims 28-30 and 33 are in a condition for allowance, and the applicants respectfully request the same.

### **Conclusion**

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below. The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,  
Hanley, Flight & Zimmerman, LLC  
150 S. Wacker Drive  
Suite 2100  
Chicago, IL 60606

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/Keith R. Jarosik/  
Keith R. Jarosik  
Reg. No. 47,683  
Attorney for Applicant  
(312) 580-1020